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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark Pratt

Pratt-02

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06/20/2007

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/903,001	Applicant(s) PRATT ET AL.	
	Examiner Vanel Frenel	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief Filed on 11/28/06. Claims 1-13 are pending.

2. In view of the Appeal Brief filed on 9/20/06, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 C.F.R 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplement appeal brief, but no new amendments, affidavits (37 C.F.R 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b) (2).

Claim Objections

3. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because claim 9 cannot be dependent on itself. See MPEP § 608.01(n). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townzen et al (2003/0004792) in view of Parsadayan (6,329,930).

(A) As per claim 1, Townzen discloses an automated payment system for a parking facility, comprising: a payment terminal including: means for assessing a payment amount (See Townzen, Page 2, Paragraph 0017; means for receiving the payment amount (See Townzen, Page 6, Paragraph 0051); means for opening said exit gate upon receipt of the payment amount (See Townzen, Page 5, Paragraph 0046); and means for providing two-way video and audio communication with a monitoring facility remote from said payment terminal (See Townzen, Page 5, Paragraphs 0044, 0046; Page 6, Paragraph 0051).

Townzen does not explicitly disclose that the system having an exit gate operable to control egress from the parking facility.

However, this feature is known in the art, as evidenced by Parsadayan. In particular, Parsadayan suggests that the system having an exit gate operable to control egress from the parking facility (See Parsadayan, Col.1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Parsadayan within the system of Townzen with the motivation of providing a valid authorization, some form of a controller, e.g., a microcomputer or microcontroller, opens the gate. This allows the vehicle to ingress or egress and in so doing the vehicle passes over or by a sensor, typically a magnetic loop (See Parsadayan, Col.1, lines 35-40).

(B) As per claim 2, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet or Internet link between said payment terminal and the monitoring facility (See Townzen, Page 3, Paragraph 0027).

(C) As per claim 3, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Townzen, Page 3, Paragraph 0027).

(D) As per claim 4, Townzen discloses the automated payment system further comprising: a processor at said payment terminal operable to control said means for assessing and said means for receiving (See Townzen, Page 5, Paragraph 0046); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Townzen, Page 6, Paragraph 0048).

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(E) As per claim 5, Townzen discloses an automated payment system for a plurality of parking facilities comprising: a central monitoring facility (See Townzen, Page 1, Paragraph 0005); a plurality of exit facilities remote from said central monitoring facility (See Townzen, Page 4, Paragraph 0038), a payment terminal at each of said plurality of exit facilities, each having means for assessing and receiving payment (See Townzen, Page 6, Paragraph 0051); and means for providing two-way video and audio communication between said central monitoring facility and said payment terminal at each of said plurality of exit facilities (See Townzen, Page 5, Paragraphs 0044, 0046; Page 6, Paragraph 0051).

Townzen does not explicitly disclose that the system having each controlling egress from a corresponding one of the plurality of parking facilities.

However, this feature is known in the art, as evidenced by Parsadayan. In particular, Parsadayan suggests that the system having each controlling egress from a corresponding one of the plurality of parking facilities (See Parsadayan, Col.1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Parsadayan within the system of Townzen with the motivation of providing a valid authorization, some form of a controller, e.g., a microcomputer or microcontroller, opens the gate. This allows the vehicle to ingress or egress and in so doing the vehicle passes over or by a sensor, typically a magnetic loop (See Parsadayan, Col.1, lines 35-40).

(F) As per claim 6, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet or Internet link between said payment terminal and the monitoring facility (See Townzen, Page 3, Paragraph 0027).

(G) As per claim 7, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Townzen, Page 3, Paragraph 0027).

(H) As per claim 8, Townzen discloses the automated payment system further comprising: a processor at said payment terminal operable to control said means for assessing and said means for receiving (See Townzen, Page 5, Paragraph 0046); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Townzen, Page 6, Paragraph 0048).

(I) As per claim 9, Townzen discloses the automated payment system further comprising: a central processor at said central monitoring facility connected to said processor at said payment terminal through said data link and controllable at said central monitoring facility to control said processor at said payment terminal (See Townsen, Page 3, Paragraph 0027).

(J) As per claim 10, Townzen discloses an automated payment system for a facility, comprising: an apparatus for calculating a payment amount; an apparatus for receiving the payment amount (See Townzen Page 2, Paragraph 0017); and a two-way video and audio communication system linking the automated payment system with a monitoring facility remote from the automated payment facility (See Townzen, Page 5, Paragraphs 0044, 0046; Page 6, Paragraph 0051).

Townzen does not explicitly disclose that the system having a gate apparatus operable to control access to the facility in response to receipt of the payment amount.

However, this feature is known in the art, as evidenced by Parsadayan. In particular, Parsadayan suggests that the system having a gate apparatus operable to control access to the facility in response to receipt of the payment amount (See Parsadayan, Col.1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Parsadayan within the system of Townzen with the motivation of providing a valid authorization, some form of a controller, e.g., a microcomputer or microcontroller, opens the gate. This allows the vehicle to ingress or egress and in so doing the vehicle passes over or by a sensor, typically a magnetic loop (See Parsadayan, Col.1, lines 35-40).

(K) As per claim 11, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet

or Internet link between said payment terminal and the monitoring facility (See Townzen, Page 3, Paragraph 0027).

(L) As per claim 12, Townzen discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Townzen, Page 3, Paragraph 0027).

(M) As per claim 13, Townzen discloses the automated payment system further comprising: a processor operable to control said means for assessing and said means for receiving (See Townzen, Page 5, Paragraph 0046); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Townzen, Page 6, Paragraph 0048).

Response to Arguments

6. Applicant's arguments filed 11/28/06 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 11/28/06.

(A) At pages 1-11 of the 11/28/06 response, Applicant argues that the features in the 11/28/06 appeal brief are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features in the 11/28/06 appeal brief, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the

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collective teachings of Townzen and Parsadayan, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches electronic system for parking management and personal guidance (6,865,539).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vanel Frenel

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June 7, 2007